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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,255	07/10/2006	Toshio Miyata	2006_0834A	1843
513 7590 08/15/2008 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER	
			SZNAIDMAN, MARCOS L	
			ART UNIT	PAPER NUMBER
			1611	
			MAIL DATE	DELIVERY MODE
			08/15/2008	PAPER

# Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
	10/581,255	MIYATA ET AL.
Office Action Summary	Examiner	Art Unit
	MARCOS SZNAIDMAN	1611
The MAILING DATE of this communication ap Period for Reply	pears on the cover sheet with the c	orrespondence address
A SHORTENED STATUTORY PERIOD FOR REPLEWHICHEVER IS LONGER, FROM THE MAILING ID.  - Extensions of time may be available under the provisions of 37 CFR 1 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period.  - Failure to reply within the set or extended period for reply will, by stature Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be tind will apply and will expire SIX (6) MONTHS from te, cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).
Status		
1) Responsive to communication(s) filed on 22 /	is action is non-final. ance except for formal matters, pro	
Disposition of Claims		
<ul> <li>4)  Claim(s) 9 and 24 is/are pending in the application 4a) Of the above claim(s) is/are withdrates</li> <li>5)  Claim(s) 24 is/are allowed.</li> <li>6)  Claim(s) 9 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/</li> </ul>	awn from consideration.	
Application Papers		
9) The specification is objected to by the Examin 10) The drawing(s) filed on is/are: a) ac Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the E	cepted or b) objected to by the lead of a cepted or b) for objected to by the lead of a cepted of the drawing o	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).
Priority under 35 U.S.C. § 119		
12) Acknowledgment is made of a claim for foreig  a) All b) Some * c) None of:  1. Certified copies of the priority documer  2. Certified copies of the priority documer  3. Copies of the certified copies of the priority documer  application from the International Burea  * See the attached detailed Office action for a list	nts have been received. nts have been received in Applicationity documents have been received au (PCT Rule 17.2(a)).	on No ed in this National Stage
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO/SB/08)  Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal F 6) Other:	ate

#### **DETAILED ACTION**

This office action is in response to applicant's reply filed on April 22, 2008.

#### Status of Claims

Cancellation of claims 1-8, 10-23 and 25-26, and amendment of claims 9 and 24 is acknowledged.

Claims 9 and 24 are currently pending and are the subject of this office action.

Claims 9 and 24 are currently under examination.

### **Priority**

The present application is a 371 of PCT/JP04/18038 filed on 12/03/2004, and claims priority to foreign application: JAPAN 2003-407834 filed on 12/05/2003.

### Response to Arguments

This is in response to applicant's arguments/amendments, filed on April 22, 2008.

## Claims rejected under 35 USC 102 (b)

Due to applicant's cancellation of claims 1-8, 10-23 and 25-26, the 102(b) rejection is now moot.

Rejections and/or objections not reiterated from previous office actions are hereby withdrawn. The following rejections and/or objections are either reiterated or newly applied. They constitute the complete set presently being applied to the instant application.

#### Allowable Subject Matter

Claim 24 is allowed.

### Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 recites an inhibitor of protein modification products formation, comprising a compound of formula II. It is not clear whether applicant is claiming a compound or a composition, since an <u>inhibitor</u> can not comprise a compound. The phrase: "Inhibitor of protein modification products formation" defines a property of the compounds of Formula II, so it can not comprise a compound of formula II.

#### Conclusion

Claim 9 is rejected and claim 24 is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS SZNAIDMAN whose telephone number is

Art Unit: 1611

(571)270-3498. The examiner can normally be reached on Monday through Thursday 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharmila G. Landau can be reached on 571 272-0614. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MARCOS SZNAIDMAN/ Examiner, Art Unit 1611 August 13, 2008

/Sharmila Gollamudi Landau/

Supervisory Patent Examiner, Art Unit 1611